

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOBBY DWAYNE LUCKY,

Plaintiff,

v.

**SANDRA HAYNES; PHYSICIAN
ADEL NAFRAWI; AND KATHY
WASHINGTON,**

Defendants.

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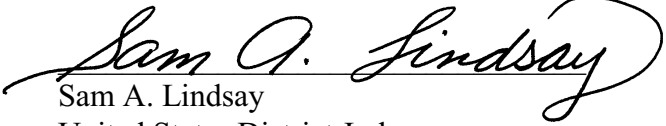
Civil Action No. **3:14-CV-2915-L**

ORDER

On July 2, 2015, Magistrate Judge Irma Carrillo Ramirez, to whom this case was referred for pretrial management, entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 31) recommending that court grant, pursuant to Federal Rule of Civil Procedure 12(b)(6), the motions to dismiss filed by Defendants Adel Nafrawi (“Nafrawi”) and Sandra Haynes (“Haynes”) and dismiss with prejudice as time-barred Plaintiff’s claims brought under 42 U.S.C. § 1983. The magistrate judge also rejected Plaintiff’s contention that the statute of limitations was tolled. On July 9, 2015, the court entered an order indicating that it believed that Plaintiff’s claims against Defendant Kathy Washington (“Washington”) fail, as a matter of law, for the same reasons. The court, therefore, vacated the Standing Order of Reference (Doc. 12) and *sua sponte* moved, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss Plaintiff’s remaining claims against Washington based on the same reasoning set forth in the magistrate judge’s Report and the court’s July 9, 2015 order. On July 20, 2015, the court received Plaintiff’s objections to the Report and response to the court’s *sua sponte* motion.

After considering the pleadings, file, the record, Report, objections, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff's objections to the Report; **grants** Defendant Nafrawi's Motion to Dismiss (Doc. 8); **grants** Defendant Haynes' 12(b)(6) Motion to Dismiss (Doc. 11); and **dismisses with prejudice**, pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff's claims brought under 42 U.S.C. § 1983 against Defendants Nafrawi and Haynes as time-barred and not subject to tolling. The court similarly concludes, based on the reasoning set forth in the magistrate judge's Report and the court's July 9, 2015 *sua sponte* motion, that Plaintiff's claims brought under 42 U.S.C. § 1983 against Defendant Washington fail as a matter of law because they are time-barred and not subject to tolling. Accordingly, pursuant to Federal Rule of Civil Procedure 12(b)(6), the court **dismisses with prejudice** Plaintiff's claims against Washington. Judgment will issue by separate document as required by Federal Rule of Civil Procedure 58.

It is so ordered this 23rd day of July, 2015.


Sam A. Lindsay
United States District Judge